

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY GARRETT,

Plaintiff,

v.

IDOC, *et al.*,

Defendants.

Case No. 24-cv-01710-SPM

ORDER OF DISMISSAL

MCGLYNN, District Judge:

Plaintiff Anthony Garrett commenced this action by filing a complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). At the time of filing, Plaintiff was directed to pay the \$405.00 filing fee or file a Motion for Leave to Proceed *in form pauperis* (“IFP motion”). Plaintiff was warned that failure to pay the filing fee or file an IFP motion would result in dismissal for failure to prosecute. (Doc. 2). Plaintiff was also instructed to file a Notice Regarding Magistrate Judge Jurisdiction form indicating consent to proceed before a magistrate judge or an affirmative declination to consent by August 5, 2024. (Doc. 3).

Plaintiff did not file a consent form by the August deadline, and he was given a seven-day extension. Plaintiff was informed that failure to return the form could result in possible sanctions. (Doc. 4). He also did not pay the filing fee or file an IFP motion by the deadline set by the Court. On August 19, 2024, the Court entered a Notice of Impending Dismissal. (Doc. 5). Plaintiff was instructed pay the filing fee or file an IFP motion and file his consent form by September 18, 2024. H was warned that failure to comply with the Court’s Order would result in dismissal of this case. On August 26, 2024, Plaintiff informed the Clerk’s Office by telephone that he was no longer incarcerated at Shawnee Correctional Center and had been paroled. Plaintiff provided the Court

with his updated address. All orders issued by the Court since the initiation of this case were resent to Plaintiff's new address.

To date, Plaintiff has not paid filing fee, filed an IFP motion, or returned the consent form. Plaintiff has ignored the Court's directives and has failed to actively prosecute his claims. *See* FED. R. CIV. P. 41(b). The Court will not allow this matter to linger indefinitely.

For these reasons, this action is **DISMISSED** without prejudice, based on Plaintiff's failure to comply with the Court's orders and for failure to prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

The Clerk of Court is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: October 15, 2024

s/Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge